

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WESTERN TOWBOAT COMPANY,

Plaintiff,

v.

VIGOR MARINE, LLC,

Defendant.

IN ADMIRALTY

Case No. 2:20-cv-00416-RSM

**STIPULATED MOTION TO EXTEND  
FED. R. APP. P. 4 DEADLINE FOR  
FILING A NOTICE OF APPEAL AND  
TO EXTEND FED. R. CIV. P. 62(a)  
STAY OF EXECUTION**

File Date: January 31, 2022

**Motion for Extension of Deadline to File Notice of Appeal**

The parties, Vigor Marine, LLC (“Vigor”) and Western Towboat Company (“Western”), by and through their undersigned counsel of record, jointly move that this Court order that the deadline of Fed. R. App. P. 4 for filing a notice of appeal be extended by 30 days. Under Fed. R. App. P. 4(a)(5)(A), the district court may extend the time to file a notice of appeal if: (i) a party so moves no later than 30 days after the time prescribed by Rule 4(a) expires; and (ii) that party shows excusable neglect or good cause. Because the Court entered judgment in this case on January 7, 2022 (ECF No. 115), this motion for extension is timely under Fed. R. App. P. 4(a)(5)(A)(i). Regarding the good cause showing,

1 the parties agree that their pending cross motions on entitlement to fees (ECF No. 117 and ECF  
 2 No. 120) show good cause for an extension of the time to file a notice of appeal. Accordingly,  
 3 the parties respectfully ask the Court to grant this motion and extend the deadline for a notice  
 4 of appeal from the original February 7, 2022 deadline to March 9, 2022.

5 **Motion for Extension of Stay of Proceedings to Enforce a Judgment**

6 Federal Rule of Civil Procedure 62(a) provides for a 30-day stay of proceedings to  
 7 enforce a judgment “unless the court orders otherwise.” The parties agree that in light of the  
 8 their cross motions on entitlement to fees and the above motion for extension of the deadline to  
 9 file a notice of appeal, it is appropriate to extend the Rule 62(a) stay by 30 days. Accordingly,  
 10 the parties respectfully ask the court to grant this motion and extend the Rule 62(a) stay from  
 11 February 7, 2022 to March 9, 2022.

12 **IT IS SO STIPULATED:**

13 Dated this 31st day of January, 2022.

14 SCHWABE, WILLIAMSON & WYATT, P.C.

15  
 16  
 17 By: */s/ David R. Royajian*  
 18 David R. Boyajian, WSBA #50195  
 19 Email: dboyajian@schwabe.com  
 20 Noah Jarrett, WSBA #31117  
 21 Email: njarrett@schwabe.com  
 22 Adam P. Murray, WSBA #48553  
 23 Email: amurray@schwabe.com  
 24 Molly J Henry, WSBA #40818  
 25 Email: mhenry@schwabe.com  
 Christopher H. Howard, WSBA #11074  
 Email: choward@schwabe.com  
*Attorneys for Vigor Marine, LLC*

1  
2 Dated this 31st day of January, 2022.

3 GASPICH LAW OFFICE PLLC

4  
5 By: /s/ Anthony J. Gaspich  
6 Anthony J. Gaspich, WSBA #19300  
7 Email: tony@gaspichwilliams.com  
8 *Co-Counsel for Plaintiff Western Towboat*  
9 *Company*

10 Dated this 31st day of January, 2022.

11 SIMMS SHOWERS LLP

12 By: /s/ J. Stephen Simms  
13 J. Stephen Simms, *Pro Hac Vice*  
14 Email: jssimms@simmsshowers.com  
15 *Co-Counsel for Plaintiff Western Towboat*  
16 *Company*

17  
18 APPROVED AND SO ORDERED this 2<sup>nd</sup> day of February, 2022.

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22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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